

LUD-5253.5 DIV JEL/NDH (09885911)

REMARKS

Claim 183 is amended. Claims 184-191 remain as they were.

At page 5, point 6 of the March 26 office action, the examiner has set forth language for what he states the specification is enabling. Further, at page 5, third full paragraph, the examiner invites amendment to recite this language, presumably to address the written description rejection.

Claim 183 is amended to recite this language. The following remarks are submitted to facilitate an understanding of the amendments.

First, the examiner has suggested the language "wherein the tumor rejection antigen precursor can be isolated from melanoma cells." Applicants have employed equivalent, but more correct language, i.e., --wherein said tumor rejection antigen precursor is obtainable from melanoma cells.--

It is to be understood that the fact that the molecule "can be isolated from melanoma cells," or "obtainable" from melanoma cells does not mean it must be, and can only be obtained or isolated therefrom. Indeed, the examiner acknowledges this, and does not contest it. See page 3, first paragraph of the latest office action.

Hence, it is to be understood that the added language does not require that the molecule come from melanoma cells.

The examiner has also called for the addition of "MAGE" to the claims. Applicants have done so, but point out that this laboratory designation is redundant. "MAGE," which is an acronym for "melanoma antigen," merely refers to the language which follows it in the claims.

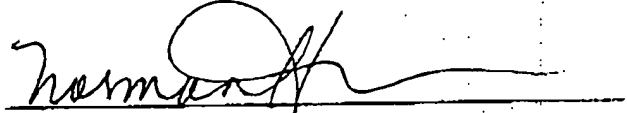
It is noted that the examiner no longer relies on Ding yet continues to cite to inappropriate, non-prior art, cases that are not applicable and has not addressed any of applicants' arguments other than to say they are not convincing. Where, for example, are any remarks showing how the facts of this case differ from Example 9 of the "Interim Written Description Guidelines", to which the examiner again refers applicants? Where is there any argument to rebut the fact that non-prior art cannot be used in a 35 USC §112 rejection? The office action does not present any of this. As such, applicants believe that the arguments presented previously control.

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There have been more than a half dozen non-final rejections in this case. Applicants have used the language the examiner has expressly suggested will put the application in allowable condition. Should this not now occur, it will be taken up with the Group Director.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Norman D. Hanson", is written over a horizontal line.

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